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EXAMINER

FERGUSON SAMRETH, MARISSA LIANA

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2854

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PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/589,391	Applicant(s) YASUOKA ET AL.	
	Examiner MARISSA L. FERGUSON-SAMRETH	Art Unit 2854	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 07 January 2009.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-11 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-11 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

Art Unit: 2854

DETAILED ACTION

Claim Objections

1. Claim 10 recites the limitation "the discharge tray" in lines 1-2. There is insufficient antecedent basis for this limitation in the claim.

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1, 2, 10 and 11 are rejected under 35 U.S.C. 103(a) as being unpatentable over Tsuruoka et al. (JP 06-315515) in view of Ishii (JP 10-203703).

Regarding claims 1 and 10, Tsuruoka et al. teaches an apparatus main body (10), a printing unit (P1) disposed in the apparatus main body (10) and including a unit main body (P1-Pn), at least on medicine bag cassette (1) detachably attached to the unit main body (note: any element can be attached/detached), the medicine bag cassette housing a plurality of medicine bags (paragraph 0020, Y₁-Y_N) and supplying the medicine bags (Y₁-Y_N) one by one, a printing part (20 platen, 21 printhead as shown in Figure 3) operable to print medicine information and an image of a medicine on the medicine bag supplied from the medicine bag cassette and a carrying section (H₁-H_N) carrying the medicine bag, having the tip end held by the holding section, out of the printing unit.

Art Unit: 2854

However, Tsuruoka et al. does not explicitly disclose a tray for storing the medicine bags that have each been subjected to a printing process by the printing part such that a tip end of each medicine bag protrudes therefrom and a holding section for holding the tip end of the medicine bag placed on the tray of the printing unit and wherein the tray includes a support pedestal for supporting the medicine bags in such a manner that the tip ends of the medicine bags protrude therefrom in a slanted position.

Ishii teaches a tray (61) for storing the medicine bags that have each been subjected to a printing process by the printing part such that a tip end of each medicine bag protrudes therefrom (Figure 3) and a holding section (50, 51, 53 and roller above element 53) for holding the tip end of the medicine bag placed on the tray of the printing unit and wherein the tray (61) includes a support pedestal (71) for supporting the medicine bags in such a manner that the tip ends of the medicine bags protrude therefrom in a slanted position (note: the tip end of the medicine bags fall from the holding section in a slanted manner, therefore it is capable that the medicine bag does not fall completely in the tray and can protrude slanted outwardly therefrom).

It would have been obvious at the time the invention was made to a person having ordinary skill in the art to modify the invention taught by Tsuruoka et al. to include a tray and holding section as taught by Ishii for the purpose reducing the burden of manual operation thereby providing convenience.

Regarding claim 2, Tsuruoka et al. teaches wherein the holding section (6) operates based on a print completion signal indicative of completion of the printing process performed on medicine bags for one patient by said printing part (0015-0018).

Art Unit: 2854

Regarding claim 11, Tsuruoka et al. teaches the claimed invention with the exception of wherein the holding section comprises a conveyor part and a pressing roller part that is pivotally mounted relative to the conveyor part such that the pressing roller part is shiftable between a retreat position and a hold position at which the pressing roller part nips the tip ends of the medicine bags, supported on the discharge tray, in cooperation with the conveyor part.

Ishii teaches wherein the holding section (50) comprises a conveyor part (51) and a pressing roller part (53 and roller above element 53) that is pivotally mounted relative to the conveyor part such that the pressing roller part is shiftable between a retreat position and a hold position at which the pressing roller part nips the tip ends of the medicine bags, supported on the discharge tray (61), in cooperation with the conveyor part (figure 3).

It would have been obvious at the time the invention was made to a person having ordinary skill in the art to modify the invention taught by Tsuruoka et al. to include a tray and holding section as taught by Ishii for the purpose reducing the burden of manual operation thereby providing convenience.

3. Claim 3 is rejected under 35 U.S.C. 103(a) as being unpatentable over Tsuruoka et al. (JP 6315515) in view of Ishii (JP 10-203703) as applied to claim 1 above, and further in view of Tsuji (JP 2000-116752).

Tsuruoka et al. in view of Ishii teaches the claimed invention with the exception of wherein the printing unit is horizontally pulled out from the apparatus main body in a direction perpendicular to a discharge direction of a medicine bag. Tsuji et al. teaches

Art Unit: 2854

the a drawer unit with a printer (10) is horizontally pulled out from the apparatus main body in a direction perpendicular to a discharge direction of a medicine bag (Figures 1a, 1b and 2a-2d). It would have been obvious at the time the invention was made to a person having ordinary skill in the art to modify the invention taught by Tsuruoka et al. in view of Ishii to include a print unit that pulls out from the main body as taught by Tsuji for the purpose of providing easy access and providing a simple mechanism.

4. Claim 4 is rejected under 35 U.S.C. 103(a) as being unpatentable over Tsuruoka et al. (JP 6315515) in view of Ishii (JP 10-203703) and Tsuji (JP 2000-116752) as applied to claim 3 above, and further in view of Compton (US 4,822,119).

Tsuruoka et al. in view of Ishii and Tsuji including a printing unit is pulled out from the apparatus main body as taught by Tsuji in claim 3 above. However, Tsuruoka et al. in view of Tsuji does not explicitly disclose a printing unit turning such that the medicine bag cassette is attached thereto/detached therefrom. Compton teaches a rotary drawer that turns (Figures 4 and 5). It would have been obvious at the time the invention was made to a person having ordinary skill in the art to modify the invention taught by Tsuruoka et al. in view of Ishii and Tsuji to include components that enable a drawer unit to turn or rotate as taught by Compton for the purpose of providing a more convenient apparatus that permits easy retrieval to thereby save time.

5. Claim 5 and 7 are rejected under 35 U.S.C. 103(a) as being unpatentable over Tsuruoka et al. in view of Ishii (JP 10-203703) as applied to claim 1 above, and further in view of Yuyama et al. (US Patent 5, 839,836).

Art Unit: 2854

Tsuruoka et al. in view of Ishii teaches a plurality of transfer sections (7, 8) transferring the medicine bags, a plurality of printers (P_A - P_N) printing medicine information on the medicine bags transferred by the transfer sections and a plurality of carrying sections (H_1 - H_N) carrying the medicine bags, subjected to the printing process by the printers, out of the printers as taught by Tsuruoka et al. However, Tsurruoka et al. does not explicitly disclose a plurality of medicine bag supply units producing medicine bags different in size from each other from medicine bag base paper wound around medicine bag rolls and, then, supplying the medicine bags thus produced.

Yuyama et al. teaches a plurality of medicine bag supply units (1) producing medicine bags different in size from each other from medicine bag base paper (4a) wound around medicine bag rolls (5a, 5b) and, then, supplying the medicine bags (9) thus produced (Column 3, Lines 46-64).

It would have been obvious at the time the invention was made to a person having ordinary skill in the art to modify the invention taught by Tsuruoka et al. in view of Ishii to include medicine bag supply units as taught by Yuyama et al. for the purpose of achieving a more effective process thereby eliminating misuse of the product by a patient.

6. Claim 6 is rejected under 35 U.S.C. 103(a) as being unpatentable over Tsuruoka et al. (JP 6315515) in view of Ishii (JP 10-203703) and Yuyama et al. (US Patent 5, 839,836) as applied to claim 5 above, and further in view of Kuroda (JP 10221911).

Tsuruoka et al. in view of Ishii and Yuyama et al. teaches the claimed invention with the exception of a locking device locking said printing unit so as to prevent said

Art Unit: 2854

printing unit from being pulled out from a apparatus main body when one of the plurality of medicine bag supply units is pulled out from the apparatus main body.

Kuroda et al. teaches a locking device locking a printing unit so as to prevent said printing unit from being pulled out from a apparatus main body when one of the plurality of medicine bag supply units is pulled out from the apparatus main body (Abstract). It would have been obvious at the time the invention was made to a person having ordinary skill in the art to modify the invention taught by Tsuruoka et al. in view of Ishii and Yuyama et al. to include a locking unit as taught by Kuroda for the purpose of pulling out drawers simultaneously while preventing the overturning of an image forming device.

7. Claim 8 is rejected under 35 U.S.C. 103(a) as being unpatentable over Tsuruoka et al. (JP 6315515) in view of Ishii (JP 10-203703) and Tsuji (JP 2000-116752) as applied to claim 3 above, and further in view of Yuyama et al. (US Patent 5, 839,836).

Tsuruoka et al. in view of Ishii and Tsuji teaches a plurality of transfer sections (7, 8) transferring the medicine bags, a plurality of printers (P_A - P_N) printing medicine information on the medicine bags transferred by the transfer sections and a plurality of carrying sections (H_1 - H_N) carrying the medicine bags, subjected to the printing process by the printers, out of the printers as taught by Tsuruoka et al. However, Tsurruoka et al. in view of Ishii and Tsuji does not explicitly disclose a plurality of medicine bag supply units producing medicine bags different in size from each other from medicine bag base paper wound around medicine bag rolls and, then, supplying the medicine bags thus produced.

Art Unit: 2854

Yuyama et al. teaches a plurality of medicine bag supply units (1) producing medicine bags different in size from each other from medicine bag base paper (4a) wound around medicine bag rolls (5a, 5b) and, then, supplying the medicine bags (9) thus produced (Column 3, Lines 46-64).

It would have been obvious at the time the invention was made to a person having ordinary skill in the art to modify the invention taught by Tsuruoka et al. in view of Ishii and Tsuji to include medicine bag supply units as taught by Yuyama et al. for the purpose of achieving a more effective process thereby eliminating misuse of the product by a patient.

8. Claim 9 is rejected under 35 U.S.C. 103(a) as being unpatentable over Tsuruoka et al. (JP 6315515) in view of Ishii (JP 10-203703), Tsuji (JP 2000-116752) and Compton (US 4,822,119) as applied to claim 4 above, and further in view of Yuyama et al. (US Patent 5, 839,836).

Tsuruoka et al. in view of Ishii, Tsuji and Compton teaches a plurality of transfer sections (7, 8) transferring the medicine bags, a plurality of printers (P_A - P_N) printing medicine information on the medicine bags transferred by the transfer sections and a plurality of carrying sections (H_1 - H_N) carrying the medicine bags, subjected to the printing process by the printers, out of the printers as taught by Tsuruoka et al.

However, Tsurruoka et al. in view of Ishii and Tsuji does not explicitly disclose a plurality of medicine bag supply units producing medicine bags different in size from each other from medicine bag base paper wound around medicine bag rolls and, then, supplying the medicine bags thus produced.

Art Unit: 2854

Yuyama et al. teaches a plurality of medicine bag supply units (1) producing medicine bags different in size from each other from medicine bag base paper (4a) wound around medicine bag rolls (5a, 5b) and, then, supplying the medicine bags (9) thus produced (Column 3, Lines 46-64).

It would have been obvious at the time the invention was made to a person having ordinary skill in the art to modify the invention taught by Tsuruoka et al. in view of Ishii, Tsuji and Compton to include medicine bag supply units as taught by Yuyama et al. for the purpose of achieving a more effective process thereby eliminating misuse of the product by a patient.

Response to Arguments

9. Applicant's arguments with respect to claims 1-9 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the

Art Unit: 2854

shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to MARISSA L. FERGUSON-SAMRETH whose telephone number is (571)272-2163. The examiner can normally be reached on (M-T) 6:30am-4:00pm and every other(F) 7:30am-4:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Judy Nguyen can be reached on 571-272-2258. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic

Art Unit: 2854

Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/MARISSA FERGUSON-SAMRETH/
Examiner, Art Unit 2854

April 14, 2009

/Daniel J. Colilla/
Primary Examiner
Art Unit 2854